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**MAR 27 2009**

**OFFICE OF PETITIONS**

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One Federal Place  
1819 Fifth Avenue North  
Birmingham, AL 35203-2119

March 23, 2009

**VIA EXPRESS MAIL (EXPRESS MAIL NO. EM 271955995 US)**

Mail Stop PETITION  
Commissioner for Patents  
Post Office Box 1450  
Alexandria, Virginia 22313-1450

Nicholas J. Landau, J.D., Ph.D.  
Direct Dial: 205-521-8545  
Direct Fax: 205-488-6545  
nlandau@babc.com

**RE: Petition to Accept Unintentionally Delayed Payment of Maintenance Fee  
in an Expired Patent**

**Application Number:** 09/825,105  
**Patent Number:** 6,846,488  
**First Named Inventor:** Michael W. RUSSELL  
**Invention Title:** Chimeric antigen-enterotoxin mucosal immunogens

Dear Commissioner:

The applicants hereby petition the Office under 37 C.F.R. § 1.378(c) to accept the enclosed maintenance fee which was unintentionally delayed. Enclosed please find:

1. Cover Letter, including authorization to charge deposit account and certificate of Express Mail submission (3 pages)
2. Transmittal Sheet (1 page)
3. Form PTO/SB/66 "Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent" (3 pages)
4. Credit card payment (form PTO-2038) for the amount of \$2130.00 (\$490 maintenance fee and \$1640 surcharge under 37 C.F.R. § 1.20(i)(2) (1 page)

**Total 4 Documents 8 pages**

Please do not hesitate to contact the undersigned by telephone at 205-521-8545 or by facsimile at 205-488-6545 if further action is required.

Sincerely,

*Nicholas J. Landau*  
Nicholas J. Landau, Ph.D.  
Registration No. 57120

Enclosures

**AUTHORIZATION TO CHARGE**  
**DEPOSIT ACCOUNT**

All fees due are believed to be paid herein. If, after processing the enclosed items, any charges, fees, or sums due remain unpaid in connection with this correspondence, I hereby authorize the Director of the United States Patent and Trademark Office to charge all such remaining **small entity** fees, charges, and other sums due to Deposit Account Number 50-0954.

Nicholas J. Landau  
Nicholas J. Landau  
Attorney for Applicant  
Registration No. 57120

3/23/2009  
Date of Signature

Commissioner for Patents

March 23, 2009

Page 3

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**CERTIFICATE OF EXPRESS MAIL SUBMISSION**

I hereby certify that the following items are enclosed:

1. Cover Letter, including authorization to charge deposit account and certificate of Express Mail submission (3 pages)
2. Transmittal Sheet (1 page)
3. Form PTO/SB/66 "Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent" (3 pages)
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**Total 4 Documents**

**8 pages**

and are being submitted via Express Mail Label No. EM 271955995 US addressed to:

Mail Stop PETITION  
Commissioner for Patents  
Post Office Box 1450  
Alexandria, Virginia 22313-1450

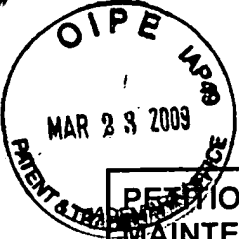
on **March 23, 2009**.

Date:

March 23, 2009

Beth H. Nabors

Beth H. Nabors



03-24-09

IFN Box M \$

PTO/SB/66 (03-09)

Approved for use through 03/31/2012. OMB 0651-0016  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF  
MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378 (c))**

Docket Number (Optional)

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**MAR 27 2009**

**OFFICE OF PETITIONS**

Mail to: Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Fax: (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

Patent No. 6,846,488

Application Number 09/825,105

Issue Date January 25, 2005

Filing Date April 3, 2001

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

**Also complete the following information, if applicable**

The above – identified patent

☐

Is a reissue of original Patent No. \_\_\_\_\_ original issue date \_\_\_\_\_

original application number \_\_\_\_\_

original filing date \_\_\_\_\_

☐

resulted from the entry into the U.S. under 35 U.S.C. 371 of international application \_\_\_\_\_

filed on \_\_\_\_\_

**CERTIFICATE OF MAILING (37 CFR 1.89(a))**

I hereby certify that this paper (\*along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class main in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

03/24/2009 RFEKADU1 00000040 6846488

01 FC:1599

2130.00 OP

\_\_\_\_\_  
Typed or Printed Name of Person Signing Certificate

[page 1 of 3]

This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

## 1. SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

## 2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

## 3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

NOT Small Entity			Small Entity		
Amount	Fee	(Code)	Amount	Fee	(Code)
<input type="checkbox"/> \$ _____	3 ½ yr fee	(1551)	<input checked="" type="checkbox"/> \$ 490.00	3 ½ yr fee	(2551)
<input type="checkbox"/> \$ _____	7 ½ yr fee	(1552)	<input type="checkbox"/> \$ _____	7 ½ yr fee	(2552)
<input type="checkbox"/> \$ _____	11 ½ yr fee	(1553)	<input type="checkbox"/> \$ _____	11 ½ yr fee	(2553)

MAINTENANCE FEE BEING SUBMITTED \$ 490.00

## 4. SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) of \$ 1640.00 (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of a maintenance fee.

SURCHARGE FEE BEING SUBMITTED \$ 1640.00

## 5. MANNER OF PAYMENT

☐ Enclosed is a check for the sum of \$ \_\_\_\_\_

☐ Please charge Deposit Account No. \_\_\_\_\_ the sum of \$ \_\_\_\_\_

☒ Payment by credit card. Form PTO-2038 is attached.

## 6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

☒ The Director is hereby authorized to charge any maintenance fee, surcharge or petition deficiency to Deposit Account No. 50-0954

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

7. OVERPAYMENT

As to any overpayment made please

- OR ☒ Credit to Deposit Account No. 50-0954
- ☐ Send refund check

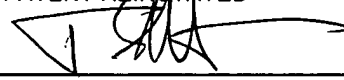
**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

8. STATEMENT

The delay in payment of the maintenance fee to this patent was unintentional.

9. PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

  
\_\_\_\_\_  
Signature(s) of Petitioner(s)

3-03-09  
\_\_\_\_\_  
Date

T. Gregory Peterson  
\_\_\_\_\_  
Typed or printed name(s)

45,587  
\_\_\_\_\_  
Registration Number, if applicable

(205) 521-8084  
\_\_\_\_\_  
Telephone Number

Bradley Arant Boult Cummings, LLP  
\_\_\_\_\_  
Address

1819 5th Avenue North, Birmingham, AL 35203-2119  
\_\_\_\_\_  
Address

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

ENCLOSURES

- ☒ Maintenance Fee Payment
- ☒ Surcharge under 37 CFR 1.20(i)(2) (fee for filing the maintenance fee petition)
- ☒ Cover letter, transmittal sheet, form PTO-2038